

DT07 Rec'd PCT/PTO 0 1 MAR 2004

Please type a plus sign inside this box ☐

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/189,362 10/089,362	
	Filing Date	March 25, 2002	
	First Named Inventor	David ELSLEY	
	Group Art Unit	Not Yet Assigned	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	6 + 11 references	Attorney Docket Number	559082003600

ENCLOSURES (check all that apply)

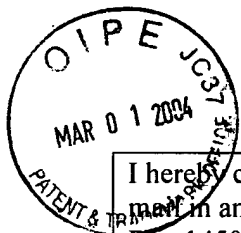
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. PTO 1449 form + copy (2 pages)
<input checked="" type="checkbox"/> Information Disclosure Statement (4 pages)	<input type="checkbox"/> Request for Refund	2. 11 References
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	3. Return postcard
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 - 1 page		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	SWISS LAW GROUP LLC	38706
	Gerald F. Swiss	(Reg.No. 30,113)
Signature		
Date	February 26, 2004	

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Dated: February 26, 2004 Signature: (Lisa K. Small)



I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage affixed and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: February 26, 2004 Name: Lisa K. Small (Lisa K. Small)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	David ELSLEY		
Serial No.:	10/089,362	Art Unit:	Not Yet Assigned
Filed:	March 25, 2002	Examiner:	Not Yet Assigned
For:	COMBINED THERAPIES FOR ATHEROSCLEROSIS TREATMENT	Attorney Docket No.:	559082003600

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:
 - 1a. ☒ A PTO-Form 1449 listing all patents, publications, applications, or other information submitted for consideration by the office.
 - 1b. A legible copy of :
 - ☐ Each U.S. patent application publication and U.S. and foreign patent;
 - ☒ Each publication or that portion which caused it to be listed on the PTO-1449;
 - ☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
 - ☒ all other information or portion which caused it to be listed on the PTO-1449.

- 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
- 1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.
2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- ☒ Before the mailing of the first Office action on the merits;
- ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.
- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
- ☐ to be charged to Swiss Law Group LLP Deposit Account No. 50-2859.
4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.
- The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:
- ☐ enclosed.
- ☐ to be charged to Swiss Law Group LLP Deposit Account No. 50-2859.

The Certification Statement in Item 5 below is applicable.

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)
- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

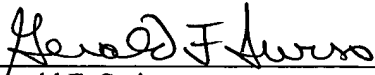
- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
6. ☐ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).
- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. , f iled on , of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. , f iled on , and are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement.
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Swiss Law Group Deposit Account No. 50-2859.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a

Application No. 10/089,362
Attorney Docket No.559082003600

search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

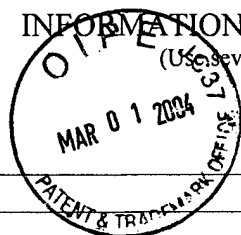
Date: February 26, 2004



Gerald F. Swiss
Reg. No. 30,113
SWISS LAW GROUP
Bldg. 3, Palo Alto Square
3000 El Camino Real, Ste. 100
Palo Alto, California 94306
(650) 856-3700

Application No. 10/089,362
Attorney Docket No.559082003600

PTO-Form 1449 INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)	ATTY DOCKET NO. 559082003600	APPLICATION NO 10/089,362
	APPLICANT David ELSLEY	
	FILING DATE March 25, 2002	GROUP Not Yet Assigned



Sheet 1 of 1

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
					YES	NO

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

1.	Bernini, F., et al. (2001). "Safety of HMG-CoA Reductase Inhibitors: Focus on Atorvastatin," <i>Cardiovascular Drugs and Therapy</i> , 15:211-218.
2.	Blum, C. (1994). "Comparison of Properties of Four Inhibitors of 3-Hydroxy-3-Methylglutaryl-Coenzyme A Reductase," <i>Am. J. Cardio</i> , 73:3D-11D.
3.	"Compendium of Pharmaceuticals and Specialties, 35 th Edition, 2001: The Canadian Reference for Health Professionals," Canadian Pharmacists Association, 815-818, 834-836, 921-923, 1236-1239, 1776-1778.
4.	Hsu, I., et al. (1995). "Comparative Evaluation of the Safety and Efficacy of HMG-CoA Reductase Inhibitor Monotherapy in the Treatment of Primary Hypercholesterolemia," <i>Ann. Of Pharmac.</i> , 29:743-759.
5.	Malhotra, H., et al. (2001). "Atorvastatin: An Updated Review of its Pharmacological Properties and Use in Dyslipidaemia," <i>Adis Drug Evaluation Drugs</i> , (61)12:1835-1881.
6.	Newman, C., et al. (2003). "Safety of Atorvastatin Derived from Analysis of 44 Completed Trials in 9,416 Patients," <i>Am.J.Cardio</i> , 92:670-676.
7.	"Lescol," <i>Physician's Desk Reference</i> , http://www.pdrhealth.com/drug_info/rxdrugprofiles/drugs/les1221.shtml (2/12/2004).
8.	"Lipitor," <i>Physician's Desk Reference</i> , http://www.pdrhealth.com/drug_info/rxdrugprofiles/drugs/lip1230.shtml (2/12/2004).
9.	"Mevacor," <i>Physician's Desk Reference</i> , http://www.pdrhealth.com/drug_info/rxdrugprofiles/drugs/mev1260.shtml (2/12/2004).
10.	"Pravachol," <i>Physician's Desk Reference</i> , http://www.pdrhealth.com/drug_info/rxdrugprofiles/drugs/pral344.shtml (2/12/2004).
11.	"Zocor," <i>Physician's Desk Reference</i> , http://www.pdrhealth.com/drug_info/rxdrugprofiles/drugs/zoc1500.shtml (2/12/2004).

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.